

**PLAINTIFF'S MOTION
EXHIBIT 7**

1 M. Marino

2 MS. PUBLICKER METTHAM:

3 Objection.

4 You can answer.

5 A. That's one of the procedures
6 that might allow you, yes.

7 Q. Well, at the time that you
8 made that plan for that course of
9 action that you've already testified
10 about, did you understand that you had
11 the authority to do that based on the
12 patrol guide governing emotionally
13 disturbed people?

14 A. I wasn't thinking about the
15 patrol guide. I was thinking about
16 Schoolcraft's safety.

17 Q. So when you testified about
18 the patrol guide procedure for
19 emotionally disturbed people for
20 warrantless entry for exigent
21 circumstances and to protect life,
22 those were considerations that came
23 into your mind after the event; is that
24 fair to say?

25 MS. PUBLICKER METTHAM:

1 M. Marino

2 Objection.

3 You can answer.

4 A. That's only an answer to your
5 question as to what authority I can go
6 into an apartment like that.

7 At that time, none of that
8 was on my mind.

9 Q. At the time that you entered
10 into that plan, did you believe that
11 Schoolcraft was an EDP?

12 A. Yes, I did. I believe it was
13 a possibility of it. And I believe it
14 was a possibility that he may have
15 already harmed himself.

16 Q. What is an EDP?

17 A. An emotionally disturbed
18 person.

19 Q. And how is an emotionally
20 disturbed person defined in your mind?
21 How do you know you've got one?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 You can answer.

25 A. By my experience are you

1 M. Marino

2 asking, sir?

3 Q. Yes.

4 A. By a person who is acting
5 irrational to the point where they may
6 cause damage to themselves or someone
7 else?

8 Q. And in what way did you
9 believe that Schoolcraft was an EDP
10 while you were on the landing outside
11 of his apartment?

12 A. Based upon what I had been
13 told in the lot. The previous
14 psychological history. Based upon the
15 way he left the precinct against
16 orders, which would be an irrational
17 act, based upon the fact that he was
18 answering his phone and refused to
19 answer. Based upon the fact that there
20 were police officers all around his
21 house and on his stairs knocking, and
22 there had been no movement heard in the
23 last hour.

24 Q. Anything else?

25 A. No.

1 M. Marino

2 Q. What made you think that he
3 was a danger to himself or others?

4 A. From what I just told you.

5 Q. Did you have any information
6 that he had threatened to hurt himself?

7 A. No.

8 Q. Did you have information that
9 he threatened to hurt anybody else?

10 A. No.

11 Q. What information about his
12 previous psychological history did you
13 have?

14 A. None, just that he had been
15 to -- sent to psych services and that
16 apparently he had some type of problem.

17 Q. Who told you he was sent to
18 psych services?

19 A. One of the gentleman in the
20 house.

21 Q. Did you they tell you when he
22 was sent to psych services?

23 A. No, just that it had been
24 previous to this.

25 Q. Did anybody tell you that